

EXHIBIT S

- **Gourlay**
 - Arista – 18 minutes
 - Cisco – 11 minutes
 - Exhibits Disclosed
 - None

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 GOURLAY, Doug (Vol. 01) - 05/20/2016

1 CLIP (RUNNING 00:29:11.927)



GOURLAY_ALL

70 SEGMENTS (RUNNING 00:29:11.927)



1. PAGE 12:07 TO 12:09 (RUNNING 00:00:03.679)

07 Q. Would you please state your full name for
08 the record.
09 A. Douglas Allen Gourlay.

2. PAGE 21:02 TO 21:21 (RUNNING 00:01:17.353)

02 Q. What is your first job after graduating
03 from college?
04 A. United States Army, infantry officer,
05 platoon leader and company commander.
06 Q. When did you begin working for the
07 United States Army?
08 A. 1992.
09 Q. How long did you work for the
10 United States Army?
11 A. 1992 until I got out of active duty in
12 1997. And I got out of the reserves in 2000.
13 Q. What was your next job after the
14 United States Army?
15 A. Did a consulting gig for a little while
16 that turned into Icon Office Solutions, their
17 technology services division. Following that I was
18 hired by Cisco Systems, spring of 1998.
19 Q. What was your first position at Cisco?
20 A. Systems engineer, two blocks from here,
21 the San Francisco financial region.

3. PAGE 22:09 TO 23:12 (RUNNING 00:01:38.671)

09 A. Sure. Absolutely.
10 I was a systems engineer until 2000. At
11 that point they moved me to a corporate role as a
12 technical marketing engineer and shortly thereafter
13 product manager, responsible for the server load
14 balancing with content networking products.
15 Mid 2001 I was promoted to a senior
16 manager of product marketing and product management
17 and I was moved to the Catalyst 6500 product line,
18 where I was responsible for all software product
19 management for the switching businesses.
20 The product -- project I ran was bringing
21 IOS to the switching product lines. We call it
22 native IOS. I did that until 2004 when I took over
23 product management for the Catalyst 6500 product
24 line hardware and software.
25 Following that, I took over and was given
00023:01 responsibility for the Nexus product line, which is
02 Cisco's data center product division, which we
03 created. I ran product management and later
04 marketing for the Nexus product line from 2004 to
05 2006.
06 In 2006, I was promoted to vice president
07 and given -- given responsibility for and then
08 promoted to vice president in the role for product
09 management and marketing for Cisco's data center
10 group. Then had oversight for the -- all the

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11 switching products, security products, storage
12 products, server products and so on.

4. PAGE 26:01 TO 26:02 (RUNNING 00:00:05.313)

00026:01 Q. When did you leave Cisco?
02 A. June 2009.

5. PAGE 26:15 TO 26:18 (RUNNING 00:00:12.816)

15 Q. What did you do after the sabbatical?
16 A. I did consulting work with Arista Networks
17 for two months. Then started full-time employment
18 with them in September/October of -- of 2009.

6. PAGE 26:19 TO 27:01 (RUNNING 00:00:20.806)

19 Q. What was your first position at Arista?
20 A. Vice president of marketing.
21 Q. How long did you hold the vice president
22 of marketing position at Arista?
23 A. Pretty much the entire time I was there.
24 Q. And when did you leave employment at
25 Arista?
00027:01 A. September 30th, 2014.

7. PAGE 27:02 TO 27:06 (RUNNING 00:00:12.404)

02 Q. Where did you go after Arista?
03 A. Skyport Systems.
04 Q. Are you currently employed by Skyport
05 Systems?
06 A. Yes, I am.

8. PAGE 37:20 TO 37:22 (RUNNING 00:00:04.664)

20 Have you ever seen a Cisco switch at
21 Arista?
22 A. Yes.

9. PAGE 38:07 TO 38:08 (RUNNING 00:00:04.349)

07 Q. What, if any, interaction did you have
08 with that Cisco switch?

10. PAGE 38:10 TO 38:13 (RUNNING 00:00:10.408)

10 THE WITNESS: I think I did a port
11 comparison of it to the switch next to it and I was
12 showing -- explaining to a new employee what the
13 differences were between the products.

11. PAGE 38:20 TO 38:23 (RUNNING 00:00:07.381)

20 Q. Where did you see the Cisco switches at
21 Arista that you recall seeing?
22 A. In the lab, proof of concept and
23 interoperability lab.

12. PAGE 39:03 TO 39:11 (RUNNING 00:00:40.359)

03 Q. Who else at Arista would have access to
04 the Cisco switches in the lab at Arista?
05 A. Most every systems engineer, proof of
06 concept lab, software developer. At that time we
07 weren't exactly restricting access to devices.
08 Q. Did Arista keep records of who had access
09 to the lab?
10 A. No. Every keycard was valid. We weren't
11 worried about employees stealing things.

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13. PAGE 43:06 TO 43:19 (RUNNING 00:00:35.556)

06 Q. Did you do any work on command-line
 07 interfaces while you were at Cisco?
 08 A. Yes.
 09 Q. What work did you do on command-line
 10 interfaces at Cisco?
 11 A. When we ported native IOS from routers to
 12 switches, that was a project I was leading from a
 13 product management perspective^ ., we had to address
 14 things like interface ranges; we also brought out
 15 the first identity based network and access system
 16 for switches and so it was the 802.1 ex-protocol
 17 implementation.
 18 We were extremely creative with our
 19 taxonomy on the CLI.

14. PAGE 44:19 TO 45:11 (RUNNING 00:00:52.266)

19 In what way did that process involve
 20 creativity in the naming process?
 21 A. You had to figure out what you wanted the
 22 CLI to say, how were people going to enter onto a
 23 specific port and configure that port to recognize
 24 that it was supposed to not forward by default, but
 25 instead quarantine the traffic until it received a
 00045:01 MAC layer authentication from the first hop adjacent
 02 hubs.
 03 Q. And there would be more than one way to do
 04 that?
 05 A. You could do authentication via user name
 06 password; you could bypass that and use MAC address;
 07 you could use the OID of the MAC address; I could
 08 take the third octave of the requested ID address
 09 and transpose that with the V line number.
 10 All of these became configurable options
 11 over time.

15. PAGE 45:12 TO 45:15 (RUNNING 00:00:09.682)

12 Q. How did you choose which one of those
 13 options to go with?
 14 A. Whoever was going to write the biggest PO
 15 the fastest and what that customer wanted.

16. PAGE 45:16 TO 46:01 (RUNNING 00:00:37.820)

16 Q. Was there a choice involved in what seemed
 17 the most natural for the user?
 18 A. Always. You had to -- you wanted it to be
 19 intuitive; you wanted to find a way to -- the people
 20 wouldn't have to think about what command to enter,
 21 that it would be natural to them. The analogy I
 22 often use is that of a telephone dial; you want it
 23 to be familiar.
 24 Q. Are you familiar with something called the
 25 parser-police at Cisco?
 00046:01 A. Yes.

17. PAGE 46:09 TO 46:11 (RUNNING 00:00:05.040)

09 Q. You had a different perspective than the
 10 parser-police?
 11 A. Very much so.

18. PAGE 46:17 TO 46:22 (RUNNING 00:00:16.760)

17 Q. The fact that you disagreed with what the
 18 parser-police was doing, would you agree that that
 19 speaks to the fact that reasonable minds can differ

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20 with respect to what the best CLI command is in any
 21 given instance?
 22 A. Yes.

19. PAGE 72:09 TO 73:01 (RUNNING 00:00:53.344)

09 Q. What's the benefit to a customer in not
 10 having to operationally retrain its data center
 11 staff?
 12 A. You keep the U.S. financial system up and
 13 running.
 14 Q. What do you mean by that?
 15 A. Because if I screwed it up, I'd crash the
 16 entire New York Stock Exchange, NASDAQ and every
 17 major financial up in the world. That's what
 18 happens when you screw up on a network device. The
 19 fundamental difference between a network element and
 20 a server is you crash a server, you lose one device.
 21 I screw up a switch, I lose 48 servers. I screw up
 22 a routing protocol, I can crash your entire network.
 23 It could bring AT&T down. That's why you want it
 24 operationally consistent, so you don't cause network
 25 outages and cause financial distress in the global
 00073:01 economy.

20. PAGE 73:07 TO 73:11 (RUNNING 00:00:21.591)

07 Q. If Arista went to an investment bank in
 08 the financial services sector and wanted to sell
 09 switches to that bank, couldn't Arista provide
 10 training in a new CLI to that bank as part of its
 11 package to sell new switches?

21. PAGE 73:15 TO 74:07 (RUNNING 00:00:51.840)

15 THE WITNESS: I went driving in
 16 New Zealand six months before I left Arista. I was
 17 driving on back roads. It was Christmas Day. It
 18 was quite fun.
 19 THE REPORTER: Slow down a little bit.
 20 THE WITNESS: I turned around a corner and
 21 there was a camper van head-on at me, which way did
 22 I turn?
 23 I turned right like any person driving in
 24 North America or anywhere in the world except about
 25 six countries does, and when I did that I collided
 00074:01 head-on with a camper van. It's muscle memory. 15
 02 to 20 years of engrained expertise typing right map,
 03 typing show config, typing show interface; the same
 04 commands that every vendor in our industry uses.
 05 And, yeah, you don't want to crash head-on
 06 with a camper van; it's in not pretty, messed up my
 07 Ford Fiesta.

22. PAGE 74:22 TO 74:23 (RUNNING 00:00:04.849)

22 Q. Arista could approach Cisco for -- for a
 23 license to its CLI, correct?

23. PAGE 75:03 TO 75:05 (RUNNING 00:00:04.969)

03 THE WITNESS: I suppose they could, but I
 04 kept seeing it called industry standard CLI
 05 everywhere I looked.

24. PAGE 75:07 TO 75:09 (RUNNING 00:00:05.223)

07 Q. Did Arista ever approach Cisco for a
 08 CLI -- for a license to its CLI?
 09 A. Not to my knowledge.

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25. PAGE 75:13 TO 75:18 (RUNNING 00:00:22.765)

13 THE WITNESS: I was at Cisco when I knew
 14 Arista was using a CLI that had a consistent look
 15 and feel to the same CLI used largely by
 16 Foundry Networks, Xtreme Networks, parts of Juniper
 17 Networks, Cisco Systems and a host of other network
 18 intel-com providers.

26. PAGE 75:20 TO 75:22 (RUNNING 00:00:08.302)

20 Q. So you're saying that while you were still
 21 employed by Cisco you had knowledge of Arista's CLI?
 22 A. Yes.

27. PAGE 76:12 TO 76:21 (RUNNING 00:00:22.964)

12 Q. You interacted with a -- an Arista switch
 13 while you were employed by Cisco?
 14 A. Yes.
 15 Q. Where did you do that?
 16 A. At a couple customer sites, and I believe
 17 we had acquired one of them by then when I was at
 18 Cisco. It was a 7124S, acquired for internal
 19 testing.
 20 Q. Where did you see that?
 21 A. It would have been one of the labs.

28. PAGE 76:25 TO 77:02 (RUNNING 00:00:15.577)

25 Q. When was this that you saw this switch?
 00077:01 A. It would have been in early 2009. We had
 02 a competitive testing lab at Cisco.

29. PAGE 82:20 TO 83:01 (RUNNING 00:00:21.544)

20 Q. What customers did you speak with
 21 regarding Arista's CLI while you were employed at
 22 Cisco?
 23 A. Goldman Sachs. Morgan Stanley. Merrill
 24 Lynch. I was Cisco's executive sponsor for Morgan
 25 Stanley and covered a lot of the financial services
 00083:01 market.

30. PAGE 84:04 TO 84:19 (RUNNING 00:00:46.408)

04 Q. Do you remember what Goldman Sachs told
 05 you about the Arista CLI?
 06 A. The similar look and feel. The majority
 07 of the conversation was around the need to get out
 08 from under Cisco, that they felt Cisco had a
 09 monopoly on their business and that they wanted an
 10 alternative vendor in their infrastructure.
 11 And then we focused on the latency
 12 aspects. They asked me when I would have a
 13 competitive product.
 14 Q. What did you discuss with Morgan Stanley
 15 about the --
 16 A. Those three --
 17 Q. -- Arista CLI?
 18 A. Those three were all very consistent.
 19 I'll just save you the trouble.

31. PAGE 85:18 TO 86:05 (RUNNING 00:00:36.945)

18 Q. Did you report the conversations with
 19 Goldman Sachs, Morgan Stanley, and Merrill Lynch to
 20 anyone else at Cisco?
 21 A. I know I did. It would have been
 22 certainly the sales leads on those teams, who I
 23 don't remember who they were at that time. They

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24 were involved in those conversations and helping me
 25 set them up.
 00086:01 Certainly communicated those to
 02 John McCool, Tom Edsall, and some of the folks
 03 running engineering. I was trying to prioritize a
 04 program we had called Electra that was a low latency
 05 switch coming from Cisco.

32. PAGE 86:06 TO 86:09 (RUNNING 00:00:11.631)

06 Q. Did you -- who did you specifically report
 07 to that Goldman Sachs had said that the Arista CLI
 08 had a similar look and feel to Cisco's CLI?
 09 A. I don't remember.

33. PAGE 86:19 TO 86:25 (RUNNING 00:00:23.645)

19 Q. I'm sorry. So I just want to be clear.
 20 Who did you tell at Cisco that Goldman Sachs had
 21 said that the Arista CLI had a similar look and feel
 22 to Cisco's CLI?
 23 A. I know I told the engineering leads for
 24 the switching group at that time, which would have
 25 been Tom Edsall and John McCool.

34. PAGE 94:11 TO 96:12 (RUNNING 00:02:36.341)

11 What did you tell --
 12 A. Sure.
 13 Q. -- Arista's sales staff to say about
 14 Arista's CLI as part of their sales pitch?
 15 A. It's funny; I think this here makes a
 16 bigger deal out of it than we ever did.
 17 It was an objection to be removed; it
 18 wasn't part of selling the product. We sold the
 19 product based on it being bluntly bigger, faster,
 20 denser, cheaper, lower power and lower latency.
 21 That -- that was the sales pitch.
 22 Initial customer insertion was always --
 23 you know, it was the hardware. It frustrated me to
 24 no end because I wanted it to be about the software;
 25 Ken Duda wanted it to be about the software, and it
 00095:01 was always what Andy did. It was always bigger,
 02 faster, denser, cheaper, lower power, lower latency
 03 that got us through the door.
 04 Once we were in, we expanded in the
 05 customers' install base because of the reliability
 06 of the operating system. The familiarity of the
 07 command line ill interpreter removed friction in the
 08 sales process, removed an objection that a customer
 09 would have. It was almost always the, you know,
 10 Cisco bigot in the account who had a CCIE, Cisco
 11 made his career. This one guy actually had a --
 12 literally had a credit card open at a bar that every
 13 night he could go drink and the Cisco account team
 14 picked it up every night for him. And that guy
 15 loved Cisco, rightly so, built his career on them.
 16 And to get that person to say I'm willing
 17 to entertain an additional vendor in my
 18 infrastructure, they would throw lots of obstacles
 19 in your path. Some real; some not so real. We
 20 called it FUD, fear, uncertainty, doubt.
 21 They would throw FUD out there to try to
 22 convince everybody else that the decision they were
 23 making was the one that was the right technical
 24 decision for the business that was to stay with
 25 Cisco.
 00096:01 We had to have a counter for every element

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02 of FUD that they would throw. The analogy I often
 03 used was AVIS. AVIS was number two. Their motto
 04 was:
 05 We try harder.
 06 You have to displace an incumbent with an
 07 80-plus percent market share position.
 08 So we did. We had to have a counter for
 09 every bit of FUD.
 10 One of the things that customers would
 11 throw was, like I indicated earlier, muscle memory,
 12 not familiar with the CLI.

35. PAGE 102:06 TO 102:08 (RUNNING 00:00:10.621)

06 Q. I've handed you what's been marked as
 07 Exhibit 1101. It's a one-page document Bates
 08 stamped ARISTA NDCA12249249. You can take whatever

36. PAGE 102:17 TO 102:20 (RUNNING 00:00:08.782)

17 Q. So the e-mail at the bottom of this page
 18 is an e-mail dated August 10, 2011, from you.
 19 Do you see that?
 20 A. Yes. Yes, I do.

37. PAGE 103:02 TO 104:13 (RUNNING 00:01:28.989)

02 Q. In this e-mail you write to Sean; that's
 03 Sean Hafeez; is that right?
 04 A. Yes.
 05 Q. "Sean, can you get us some screen caps
 06 from a Cisco 49XX and an Arista 7XXX that
 07 shows same commands being executed on
 08 both, such as wr space t, show ver, show
 09 int, et cetera?"
 10 Do you see that?
 11 A. Yes, I do.
 12 Q. Those are three CLI commands; is that
 13 correct?
 14 A. Yes, they are.
 15 Q. Then you go on to say:
 16 "Basically, I want to use these to show
 17 how similar we are to Cisco's CLI syntax."
 18 Do you see that?
 19 A. I absolutely do.
 20 Q. Then you go on to say:
 21 "We need these urgently for the Samsung
 22 opportunity."
 23 Do you see that?
 24 A. Yeah. Actually, I -- I can see all of it.
 25 Q. When you say: "The Samsung opportunity,"
 00104:01 what were you referring to?
 02 A. There was a sales opportunity at Samsung
 03 where, in my conversations with the sales team, the
 04 customer raised the objection of muscle memory and
 05 familiarity with the command line interpreter and
 06 wanted to ensure they would have a low barrier to
 07 entry to adopting the Arista technologies in their
 08 environment.
 09 I don't believe we won that, but I don't
 10 have a very clear recollection of that specific
 11 opportunity and how it turned out. I did spend a
 12 lot of time with the Asia-PAC customers. I
 13 really -- mostly in financials.

38. PAGE 110:05 TO 110:05 (RUNNING 00:00:03.116)

05 Q. I've handed you what's been marked as

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39. PAGE 110:06 TO 110:13 (RUNNING 00:00:31.113)

06 Exhibit 1002. It's Bates stamped ARISTA
 07 NDCA12244290 through 44300.
 08 This is the same e-mail that we just
 09 looked at at the back end, with some additional
 10 e-mails at the front end.
 11 A. Yes, I concur.
 12 Q. Okay. And this time there's also an
 13 attachment at the back.

40. PAGE 123:02 TO 123:03 (RUNNING 00:00:05.306)

02 Q. Why not just switch to using eAPIs and get
 03 rid of the CLI?

41. PAGE 123:06 TO 123:18 (RUNNING 00:00:39.176)

06 THE WITNESS: I was waiting for it.
 07 For the same reason this court reporter
 08 here is using his fingers and engaging with the
 09 keyboard. People type; it's how you troubleshoot
 10 and interact with the system; it's why your laptop
 11 has a keyboard. Why don't I get rid of your
 12 keyboard? How functional would you be on your
 13 laptop? Hard to type e-mails, isn't it?
 14 BY MS. CANDIDO:
 15 Q. But if the -- if the switches can be
 16 configured by programs, is it necessary to still
 17 have a CLI to configure switches?
 18 A. You can use a mouse --

42. PAGE 123:20 TO 124:10 (RUNNING 00:00:46.124)

20 THE WITNESS: You could use a mouse and
 21 click letter by letter all day, but what's faster
 22 and easier for you and what's more familiar? You
 23 use a keyboard; it's what you're familiar with. You
 24 don't need a keyboard to interact with your laptop,
 25 but you do it.
 00124:01 By the way, just in the same token, a
 02 really fun prank we used to do on people in college
 03 is you'd go change their keyboard formatting from
 04 English classical American to Dvorak or to Swahili
 05 and then watch them try to type their term papers.
 06 That's what happens if you change the CLI. All the
 07 keys are still there; they're just not where you
 08 think they are and they're not labeled right.
 09 Muscle memory fails you; you don't get your term
 10 paper done on time.

43. PAGE 136:22 TO 137:22 (RUNNING 00:01:16.752)

22 Q. Were customers asking for eAPIs in June
 23 2012 timeframe?
 24 A. Customers were asking for ways to
 25 programatically interface with switches, the big
 00137:01 cloud customers specifically, more so than the
 02 enterprises.
 03 Q. Can you give me some examples of Arista
 04 customers that were asking for the ability to
 05 programatically interact with Arista's switches?
 06 A. Microsoft. Google. EBay.
 07 A very good example would be a project we
 08 did -- I can't remember the time frame. I think it
 09 was 2010, 2011 -- with eBay on Zero Touch
 10 Provisioning. This is a capability that we built
 11 that would allow a switch, without a human touching
 12 it, actually, to boot up, connect to a network,

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13 identify where it sat, convey some information about
 14 itself to a central server, receive back a
 15 configuration file, instantiate that configuration
 16 file and add itself to the network without a human
 17 touching it. We built and we called it ZTP, Zero
 18 Touch Provisioning.
 19 Six months to 12 months thereafter, Cisco
 20 came out with POAP, Power On Auto Provisioning,
 21 which looks and feels exactly like the same model we
 22 did with ZTP.

44. PAGE 142:13 TO 143:05 (RUNNING 00:00:44.499)

13 Q. Do you recall attending Cisco Live in
 14 2011?
 15 A. Absolutely.
 16 Q. Did you obtain a document called an Arista
 17 sales playbook at Cisco Live in 2011?
 18 A. I was given a document called
 19 Cisco-Arista -- Arista sales playbook, 07/01/2011,
 20 yes, while I was at Cisco Live.
 21 Q. Who gave you the Arista sales playbook at
 22 Cisco Live?
 23 A. A Cisco technical marketing engineer who
 24 was showing off about how they had beat Arista in
 25 competitive testing, how they had our number and how
 00143:01 they were going to own us and kick us out of the
 02 financial trading market.
 03 Q. Do you recall the name of that Cisco sales
 04 marketing tech engineer?
 05 A. I believe it was Jaylyn Duncan.

45. PAGE 196:23 TO 197:02 (RUNNING 00:00:16.238)

23 Q. Were you involved in any way in the Huawei
 24 litigation while you were at Cisco related to CLI?
 25 A. I was asked some questions about it, but
 00197:01 it wasn't about the CLI. The Huawei litigation was
 02 about source code being stolen.

46. PAGE 197:11 TO 197:15 (RUNNING 00:00:10.903)

11 Q. And I take it from your prior answer that
 12 your involvement in connection with that case did
 13 not involve the CLI-related aspects of that case; is
 14 that correct?
 15 A. It did not.

47. PAGE 200:05 TO 201:04 (RUNNING 00:01:32.577)

05 Q. Mr. Gourlay, while you were at Arista, do
 06 you recall any customer who bought Arista's switches
 07 primarily because its CLI was similar to Cisco's?
 08 A. Primarily, no. We won, like I was saying
 09 initially, it was because we were bigger, faster,
 10 denser, cheaper, lower power, lower latency.
 11 I mean, I would repeat that like a mantra,
 12 which is why I still say it in the same order and
 13 cadence every time even seven years later.
 14 The -- if we didn't have the CLI look and
 15 feel, it was an objection. But if they were buying
 16 primarily -- if they were buying a switch primarily
 17 because it had a Cisco's CLI, they'd be buying a
 18 Cisco switch. They weren't buying a Cisco switch;
 19 they were buying an Arista switch.
 20 There was some other reason they were
 21 purchasing it, and initially it was always the
 22 hardware, bigger, faster, denser, cheaper, lower
 23 power, lower latency, that morphed to subsequent

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24 engagements with that same customer once they
 25 adopted it, being the reliability of the operating
 00201:01 system, more rapid patch fixes, you know, process
 02 level restarts and things like that, being why they
 03 maintained and then generally grew that Arista
 04 plant.

48. PAGE 201:13 TO 201:16 (RUNNING 00:00:11.643)

13 Q. Is it a fair statement that you have, at
 14 various points today, used the term "creativity" in
 15 connection with discussing the development of CLI
 16 commands?

49. PAGE 201:25 TO 201:25 (RUNNING 00:00:00.676)

25 A. I did.

50. PAGE 202:02 TO 202:07 (RUNNING 00:00:17.811)

02 THE WITNESS: Today I used the word
 03 "creativity" in the context of the command line,
 04 usually with the intonation and tonality that would
 05 indicate sarcasm at the complete lack of creativity
 06 and innovation that went into the command lines we
 07 often created.

51. PAGE 202:14 TO 202:18 (RUNNING 00:00:19.058)

14 Q. And do you recall any time today when you
 15 have used the term "creativity" in conjunction with
 16 the development of CLI commands where you have been
 17 serious as opposed to being joking or -- or -- or
 18 anything along those lines?

52. PAGE 202:21 TO 203:10 (RUNNING 00:00:59.231)

21 THE WITNESS: The configuration commands
 22 and CLI commands that we discussed today, there were
 23 5 of them; WR space T, show VER, show INT, XMPP, and
 24 VM Tracer.
 25 I would argue amongst those the VM Tracer
 00203:01 one was probably the only one that had any
 02 creativity to it, inasmuch as I had to figure out a
 03 name for the feature. The other names were
 04 already -- oh, and, sorry, 6th, dot1X.
 05 The others were already named. They were
 06 already part of industry standards in the IETF and
 07 other well-known open standards bodies or things
 08 like show version, show interface, and WR space T.
 09 I just have a hard time saying that the use of those
 10 was creative in any capacity.

53. PAGE 205:01 TO 205:03 (RUNNING 00:00:09.929)

00205:01 do you recall, during your time at Cisco, any
 02 discussions within Cisco suggesting that it should
 03 prohibit any competitor from having a similar CLI?

54. PAGE 205:05 TO 205:09 (RUNNING 00:00:16.641)

05 THE WITNESS: I never remember any
 06 meetings. I never remember being in any meetings
 07 where we ever discussed the CLI as being, you know,
 08 proprietary to us or preventing other people from
 09 using it.

55. PAGE 205:11 TO 205:15 (RUNNING 00:00:10.509)

11 Q. Did Cisco typically tell customers that
 12 its CLI was proprietary to Cisco, during your time

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13 at Cisco?
14 A. We never told customers it was proprietary
15 to Cisco when I was there.

56. PAGE 206:02 TO 206:13 (RUNNING 00:00:37.957)

02 Q. During your time at Cisco, are you aware
03 of Cisco referring to its CLI as an industry
04 standard?
05 A. We did in several large bids to government
06 organizations when we wanted to show that we were
07 interoperable and not proprietary. When the
08 customer was looking for open and interoperability
09 as a key decision-making criteria, we used that
10 exact term.
11 Q. You may have just answered this, but do
12 you know why Cisco did not tell customers that its
13 CLI was proprietary in the typical case?

57. PAGE 206:15 TO 206:16 (RUNNING 00:00:02.480)

15 THE WITNESS: It's not what we ever
16 ascribed value to.

58. PAGE 209:10 TO 209:11 (RUNNING 00:00:06.994)

10 Q. Did the testing of competitor products in
11 Cisco's labs typically involve use of their CLIs?

59. PAGE 209:13 TO 209:14 (RUNNING 00:00:01.914)

13 THE WITNESS: It's the only way to test
14 it.

60. PAGE 211:12 TO 211:16 (RUNNING 00:00:18.811)

12 Putting aside whether or not a Cisco
13 employee would necessarily have had to have used the
14 CLI to test the device, do you have any personal
15 knowledge that when Cisco employees, in fact, tested
16 devices they were using the CLI?

61. PAGE 211:18 TO 211:23 (RUNNING 00:00:18.017)

18 THE WITNESS: Yes. I have personal
19 knowledge because the competitive testing reports
20 that we saw on Cisco versus Arista had the output of
21 the Arista CLI in the competitive testing report.
22 And the same for every other vendor we
23 tested.

62. PAGE 217:04 TO 217:06 (RUNNING 00:00:08.742)

04 Q. You agree that one of the bases for your
05 view that the CLI is not valuable is that Cisco has
06 not filed IP filings to protect it, correct?

63. PAGE 217:08 TO 217:09 (RUNNING 00:00:02.620)

08 THE WITNESS: That is one of the factors,
09 yes.

64. PAGE 219:09 TO 219:14 (RUNNING 00:00:12.184)

09 Q. My question is related to whether you were
10 aware that Cisco sued Huawei, in part, for Huawei's
11 copyright infringement of Cisco's CLI in that
12 lawsuit?
13 A. We never discussed it internally that I
14 know of.

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65. PAGE 219:18 TO 219:20 (RUNNING 00:00:05.504)

18 Q. If Cisco sued Huawei for Huawei's
19 copyright infringement --
20 A. Big if. Did they?

66. PAGE 219:22 TO 220:04 (RUNNING 00:00:12.172)

22 I'll represent to you that Cisco sued
23 Huawei for copyright infringement of Cisco's CLI
24 commands.
25 A. Is that the same case -- I'm just curious.
00220:01 Was it the same case as where they sued them for
02 stealing the source code?
03 Q. Yes.
04 A. Okay.

67. PAGE 220:05 TO 220:07 (RUNNING 00:00:08.382)

05 Q. But you would agree that that is, in fact,
06 Cisco prohibiting a competitor from using its CLI
07 commands --

68. PAGE 220:10 TO 220:10 (RUNNING 00:00:00.740)

10 Q. -- correct?

69. PAGE 222:01 TO 222:05 (RUNNING 00:00:17.400)

00222:01 THE WITNESS: Everything that was in the
02 public press from Cisco was regarding -- and every
03 external message we said that I was ever privy to or
04 read was that Huawei stole our source code. It
05 sucked. It was a horrible thing to do.

70. PAGE 231:13 TO 231:17 (RUNNING 00:00:15.051)

13 Q. Do you recall any customers who bought
14 Arista switches in which the CLI being similar to
15 Cisco was at least a factor in their decision to buy
16 from Arista?
17 A. Absolutely, yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:29:11.927)

Δ DEFENDANT Δ	United States District Court Northern District of California	
	Case No.	5:14-cv-05344-BLF
	Case Title	Cisco Systems v. Arista Networks
	Exhibit No.	9079
	Date Entered	
By: _____, Deputy Clerk		Richard W. Wieking, Clerk